

EXHIBIT A

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

DONNA CURLING, ET AL.

Plaintiff,

v.

BRIAN KEMP, ET AL.

Defendant.

**Civil Action File No. 1:17-cv-
2989-AT**

**[PROPOSED]
MEMORANDUM ORDER
FOR PRESERVATION OF EVIDENCE**

Plaintiffs allege in this litigation that constitutional and statutory rights of Georgia voters in Fulton, DeKalb and Cobb Counties have been, and are being, violated by the Defendants' use of electronic voting equipment to conduct elections. Defendants deny those allegations, and have filed motions to dismiss all claims.

The Court's interest is in preservation of all evidence relevant to the claims and defenses in this litigation. In order to preserve all evidence relevant to this litigation, the Court expects the parties to work cooperatively to preserve evidence. Further, the Court reminds all parties of their professional duties to preserve

evidence reasonably expected to become material as framed by the operative allegations in the case.

At the same time, the Court recognizes this case involves governments and public officials with legal duties and responsibilities to execute the business of the State of Georgia, including preparations for upcoming and future elections. Inherent in those duties is the transmission of data by and between the co-defendants and various other agents of the state government and/or third parties.

Toward the end of achieving preservation, the parties were directed to submit a Joint Proposed Preservation Order.

ACCORDINGLY, UPON CONSIDERATION OF the Joint Proposed Preservation Order, and the telephone conference held by me on November 7, 2017,

IT IS ORDERED that the Request of Plaintiffs to enter a Preservation Order is **GRANTED**. And it is

FURTHER ORDERED that the [*Note: The Parties disagree about whether the Order should be directed to the Parties along with the Center for Election Services, Kennesaw State University and the Federal Bureau of Investigations, or just the Parties*] are hereby ordered to [*Note: The Parties disagree about whether the Order should be limited to evidence specified in the litigation hold letters and as of the time they were received, or whether the parties*

have obligations to preserve evidence independently of those letters, and before those letters were received, as stated in Plaintiffs' Proposed Order.]

By proposing this joint order, all arguments, rights, or defenses of the parties as to any motion seeking enforcement or for spoliation are expressly reserved until such time as a particular motion is filed.

Failure to obey this Order by any party or entity may result in the imposition of sanctions including, but not limited to, an adverse ruling against the party or parties at issue, or an order holding the offending party or entity in contempt of court. *See* Fed. R. Civ. P. 37(b)(2).

SO ORDERED.

A. TOTENBERG
UNITED STATES DISTRICT JUDGE

DATED: NOVEMBER __, 2017